

EXHIBIT 1

Declaration of Michael Madden

Buddy Ratner

October 30, 2006

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FANAYE TURNER,)	
)	
Plaintiff,)	
)	
vs.)	No. CV05-1575L
)	
UNIVERSITY OF)	
WASHINGTON and BUDDY)	
RATNER,)	
)	
Defendants.)	

DEPOSITION UPON ORAL EXAMINATION OF
BUDDY RATNER

Taken at
705 Second Avenue
Suite 1500
Seattle, Washington
October 30, 2006
9:00 a.m.

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1 Deposition Reporters. Please swear in the witness and
2 we may proceed with the deposition.

3 BUDDY RATNER, being first duly sworn,
4 testified as follows:

5 EXAMINATION

6 BY MS. BRENNEKE:

7 Q Please state your name and spell it for the record.

8 A Buddy Ratner, B-u-d-d-y, R-a-t-n-e-r.

9 Q What is your address?

10 A 1612 Bigelow Avenue North, Seattle.

11 Q And who is your employer?

12 A University of Washington.

13 Q What is your position?

14 A Professor.

15 Q Do you have any other positions other than professor?

16 A Director of UWEB Center.

17 Q What is UWEB Center?

18 A UWEB is University of Washington Engineered
19 Biomaterials and a National Science Foundation
20 Engineering Research Center.

21 Q What is an Engineering Research Center?

22 A Engineering Research Center is a large program funded
23 for 10 or 11 years by the National Science Foundation
24 that is intended to impact an area of engineering in
25 an area of economic importance to the United States

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1 and will require the integration of research,
2 education and industry aspects.

3 Q What aspect of engineering does UWEB focus on?

4 A We focus on medical devices, medical implants.

5 Q Before we get too far into this, let me ask you, have
6 you had your deposition taken before?

7 A Yes, I have.

8 Q How many times?

9 A I think five times in the past.

10 Q Will you tell me briefly what each of those
11 depositions was related to?

12 A Well, they all related to the medical device industry.

13 Q Did you serve as a fact witness or an expert witness?

14 A Expert witness, yes.

15 Q Have you ever had a deposition taken in any
16 employment-related claim?

17 A No.

18 Q Let me -- and you did attend Fanaye Turner's
19 deposition on Friday of last week, correct?

20 A That's right.

21 Q All right. So let me review briefly the rules of this
22 deposition, just so that we can be on the same page.

23 The most important thing is that you understand
24 what I am asking you. If there's any ambiguity in my
25 questions, and sometimes they will come out muddled,

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1 A I think there have probably been a few over the years.
2 In most recent years there was one for -- two of them
3 that we applied for. And let me just clarify again
4 that the application was internal within the
5 Engineering Research Center program, not to the
6 National Science Foundation directly. And there were
7 two grants, one for a -- an REU program, which is a
8 research experience for undergraduates program with, I
9 believe it's, Prairie View A&M, and another was a
10 research program with Prairie View A&M, and those were
11 not funded.

12 Q When was it that those grants were submitted?

13 A I would have to guess someplace in the 2004, 2005 time
14 frame.

15 Q Other than those grants, have there been any grants
16 that were submitted by UWEB to the National Science
17 Foundation for the education and outreach program that
18 have been denied?

19 A I can't think of specific ones.

20 Q You indicated you are a professor.

21 Is that a professor of -- in engineering?

22 A Professor of bioengineering and chemical engineering.

23 Q Okay. What is your personal area of expertise?

24 A It actually is quite broad. I deal with surfaces of
25 medical devices, biomaterials, polymer chemistry,

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1 surface treatments, protein absorption, blood
2 compatibility, biological reaction. There is a whole
3 range of variations that people know my reputation in.

4 Q As a professor, are you responsible for teaching
5 course work at the University of Washington?

6 A I am.

7 Q Are you a full-time professor?

8 A That's right.

9 Q Are you also responsible for -- or as part of your
10 professor work traveling a lot?

11 A Yes.

12 Q And what kind of travel do you do as part of your
13 academic work?

14 A A variety of different travel obligations. Talks
15 presented at scientific meetings are very common. I
16 am involved with a number of scientific societies,
17 have been president and vice president of a number of
18 scientific societies. I've served on the councils of
19 boards of a few such societies. The National Science
20 Foundation itself requires that I participate in the
21 few meetings a year that they run.

22 I -- let's see. The type of things that I do on
23 travel. I consult with certain companies and serve on
24 a number of advisory boards for universities. That's
25 a pretty good sampling.

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1 A She did not clarify that with me, although I asked
2 specifically.

3 Q So Jenine --

4 A Hunjyo.

5 Q -- Hunjyo started in beginning of 2005?

6 A I think 2005, maybe.

7 Q At the beginning of 2005?

8 A Yes. Could be. Again, I'd have to go back and look
9 at the precise chronology here.

10 Q Okay. Let's look at some documents to assist in that.

11 In addition to the administrative director having
12 responsibility for handling the administration and
13 personnel of UWEB, did you also rely upon the
14 administrative directors of bioengineering to assist
15 you in handling personnel matters at UWEB?

16 A Yes. Yes. They had ultimate responsibility. Bio --
17 UWEB administratively falls under bioengineering.

18 Q And so when you said that it had ultimate
19 responsibility, what do you mean?

20 A I think the major, let's see, protocols or procedures,
21 which is probably the best word, that would meet the
22 University requirements were formulated within
23 bioengineering, and we were notified this is how
24 personnel was done, et cetera.

25 Q What was the title of the person within bioengineering

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1 actually provided?

2 A No, I am not aware.

3 Q And was the training related to discrimination and
4 retaliation?

5 A I believe it covered a number of different aspects.
6 It covered fiscal aspects. It covered personnel
7 aspects. And I am pretty sure that these aspects
8 would have been covered, yes.

9 Q You're pretty sure, but you're not entirely sure.

10 A Not sure.

11 Q Did you ever refer to those binders after the
12 training?

13 A Just briefly on occasion, yes.

14 Q Which occasions did you refer to those binders?

15 A I think just in general review. It wasn't associated
16 with a specific occasion. I would look through them
17 from time to time to understand what was in them.

18 Q So you never referred to them, to any binders or any
19 written policies regarding discrimination or
20 retaliation in handling personnel matters?

21 A No.

22 Q UWEB is institutionally part of the Department of
23 Bioengineering; is that correct?

24 A That's correct.

25 Q And bioengineering is institutionally part of the

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1 School of Engineering and the School of Medicine; is
2 that correct?

3 A That's correct.

4 Q Okay. Did you as director of UWEB have any management
5 over you, any supervisor?

6 A Yes.

7 Q Who was your supervisor?

8 A My direct supervisor is my department chair, nominally
9 two different -- two department chairs, but one of
10 them defers to my primary department, so my department
11 chair in bioengineering would be the primary person in
12 principle. I have responsibility to the Chemical
13 Engineering Department chair and the Bioengineering
14 Department chair, and directly above those two chairs
15 would be the deans of medicine and engineering.

16 Q The department chair of bioengineering was who?

17 A Through most of the period we're discussing here,
18 Yongmin Kim.

19 Q Who was the dean of engineering?

20 A Dean of engineering through most of the period was
21 Denise Denton.

22 Q And who was the dean of medicine?

23 A The dean of medicine was Paul Ramsey.

24 Q Did you ever have any performance evaluations?

25 A I meet with my chair once a year.

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1 go back to the Kahreen Tebeau incident.

2 Were you directly involved in any complaints
3 involving Kahreen Tebeau?

4 A What do you mean by "directly involved"?

5 Q Did you receive a complaint from Kahreen or Ms.
6 Turner?

7 A No. I received -- neither of them complained directly
8 to me.

9 Q How did you find out about any incident involving
10 Kahreen Tebeau?

11 A My administrator described the incident to me.

12 Q What did you understand happened?

13 A I understood that there was an incidence which in one
14 case was described as a gentle touch on the hand and
15 the other incident was described as a grabbing and
16 shaking, and two sides of two persons involved. I
17 understand that both were angry and there was a lot of
18 shouting so that Ms. Tebeau stormed out in the hall
19 yelling something to the effect of -- expressing a
20 concern or a threat, concern of threat. And there
21 were a number of people, witnesses that were present
22 at the time corroborated aspects of this. But
23 precisely what happened behind the closed door was
24 something that we have two parties there, no witness.
25 Both of them had a vision of what occurred.

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1 Q Were you involved in any way in determining how the
2 handling of that incident was done?

3 A It was pretty quickly taken out of my hands, so I was
4 not involved.

5 Q Did you make any recommendation about how that should
6 be handled?

7 A No.

8 Q Who took over the handling of that incident?

9 A I would have to guess it would be Rita Jensen who was
10 probably coordinating that incident, but such
11 incidents do quickly reach HR which takes charge of
12 them.

13 Q What was the outcome of that?

14 A Well, quickly led to Ms. Tebeau's departure from UWEB
15 was one outcome of it. I don't remember the precise
16 details, but she left our employ. And I believe there
17 was some reprimand to Ms. Turner.

18 Q Were you involved in any way in determining the
19 disciplinary action given to Ms. Turner?

20 A No.

21 Q Were you involved in any way in determining how to
22 handle the incident in terms of training or team
23 building?

24 A I think some recommendations came about. There were
25 recommendations -- now, mind you, there were so many

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1 incidents around this time that precisely this one is
2 hard to say. There were quite a few personnel
3 incidents that happened in a rather short order. But
4 there were recommendations that Ms. Turner take
5 certain courses. That were recommendations that she
6 meet in counseling session. There were documents that
7 she was asked to sign that she understood appropriate
8 protocols in the workplace. And all of these happened
9 around probably this incident, but certainly around
10 other incidents that occurred about that time.

11 Q Were you involved in formulating any of those
12 recommendations?

13 A No, I was not.

14 Q Do you recall there being a team-building meeting held
15 by Dean Denton?

16 A Yes, I recall that.

17 Q Did you attend that meeting?

18 A I think I was present.

19 Q Okay. Did you have any involvement in setting up that
20 meeting?

21 A No, I did not.

22 Q How did you find out about it?

23 A I believe the dean let me know about it.

24 Q How much in advance?

25 A Sufficiently far in advance to get on my busy

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1 concern about Ms. Barnett's behavior and Ms.
2 Weightman's behavior in that meeting.

3 A Let's say the flare-up in the office, but that seemed
4 to have overflowed to a number of things, and I'm not
5 sure which came first, the chicken or the egg again,
6 but the -- at about that time there was a lot of
7 accusations. A lot of people came into my office.
8 We went through a tremendous number of tissues during
9 that incident, and there was a lot of anger and ill
10 will. And Ms. Barnett was involved, came in a few
11 times. Alma came in a few times. Fanaye came into my
12 office a few times.

13 Q Other than what you have already testified to, were
14 there any other complaints -- and we'll get to Cindy
15 Long because you mentioned her name. Other than Cindy
16 Long and what you have already testified to, were
17 there any other complaints that you are aware of
18 regarding Ms. Turner's interactions in the workplace?

19 A I think there were many complaints from staff, but the
20 precise ones, again, there was a time period where
21 there was a steady stream of complaints.

22 Q Can you identify any of those as we sit here today?

23 A No.

24 Q And that steady --

25 A Just many, many people that complained.

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1 Q To you?

2 A To me.

3 Q Can you tell me when that was?

4 A I wish I could think of when it really -- sometime
5 after the Cindy Long incident. And just a series of
6 incidents, of people angry and leaving that office.
7 And there was a budget crisis that precipitated a lot
8 of anger with the education outreach office budget.
9 There was the tension over the tables, NSF tables, and
10 those all led to a lot of back-and-forth accusations.
11 Ms. Turner was also consistently in my office
12 presenting her side to the stories.

13 Q And the steady stream, was that after the Kahreen
14 Tebeau incident, as well?

15 A As I said, there were at least 11 people that had, at
16 one point or another, gotten into incidents.

17 Q At least 11. Okay. That's very precise. You haven't
18 told me 11.

19 A Yes.

20 MR. MADDEN: Object to the --

21 Q (By Ms. Brenneke) Who -- how do you know 11?

22 A Because I made a list.

23 Q Where is that list?

24 A I have it on a scrap of paper.

25 Q Where is that scrap of paper?

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1 A The scrap of paper is in a pad of paper, it's on the
2 back page on a pad of paper.

3 Q Where do you keep that pad of paper?

4 A I think we could reveal this.

5 MR. MADDEN: It's sitting here in my
6 bag. It is a list that he made for me yesterday -- or
7 Saturday, excuse me.

8 MS. BRENNEKE: Okay. Is that for
9 some response to interrogatories and request for
10 production that have been presented?

11 MR. MADDEN: No. That was for me.

12 MS. BRENNEKE: Because we do have
13 some outstanding at this point, and I want to make
14 sure that -- okay.

15 Q (By Ms. Brenneke) Do you have any written records of
16 any of those complaints --

17 A I don't, no.

18 Q -- from those people?

19 A No. Or let me put it another way. All my personnel
20 files were collected by my staff and given in the
21 discovery phase.

22 Q All right.

23 A So you would have anything that I would have.

24 Q Okay. And when you made this list of 11, can you tell
25 me, was this list -- did it include Cindy Long?

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1 A Yes.

2 Q And it included Kahreen Tebeau?

3 A Yes.

4 Q And at this point you can't recall anyone else; is
5 that right?

6 MR. MADDEN: Object to the form of
7 the question. You haven't asked him.

8 A I could attempt to create the list, but it's hard to
9 do that --

10 Q (By Ms. Brenneke) Why don't you go ahead.

11 A We could put Clair Hannon, Cindy Long. We could put
12 Kahreen Tebeau. We could put Nina Hanlon. We could
13 put Alma Weightman, Margaret Kramer. We could put
14 Jeri Staley-Earnst on such a list. And there were a
15 few other names, too.

16 Q Can you tell me the other names? Sorry, I thought you
17 were thinking perhaps.

18 A No, I am thinking. Let's put *Julie Schmidt's name
19 down there. I'm not sure if Shari was on the list.
20 Maybe she should be a 12th. I'll have to see.

21 Q Shari Ireton?

22 A Ireton, yeah. Oh, Michelle Barnett, Diane Carboni.
23 How many do I have there?

24 Q That's 11.

25 A Not bad.

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1 Q Okay. And you're saying all of these people came to
2 you to personally --

3 A At one point or another that we had personnel
4 incidents, all of which involved Ms. Turner with every
5 one of these.

6 Q And because we've already gone through Ms. Weightman
7 and the personnel incident involved a complaint Ms.
8 Turner brought against Ms. Weightman and you found
9 sustained --

10 A Yes.

11 Q -- I want to be precise.

12 A I was precise in my wording. We had personnel
13 incidents around all these people that all involved
14 Ms. Turner.

15 Q Okay. With regard to Clair Hannon, what is the nature
16 of the personnel incident involving Ms. Turner?

17 A Well, the two couldn't talk to each over. They both
18 fought and both came into my office and complained
19 about each other.

20 Q What was Ms. Hannon's position?

21 A She was a communication specialist.

22 Q What was her race?

23 A Caucasian.

24 Q Did she raise any particular concerns about Ms.
25 Turner?

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1 those continuing exhibits.

2 Have you seen Exhibit-74 before? It's a
3 cognitive job analysis.

4 A No, I have never seen this before.

5 Q Take a look at the second page and see if you've seen
6 that. You're listed as the contact.

7 A Um-hmm.

8 MR. MADDEN: Is that a question?

9 MS. BRENNEKE: Yeah, I want him to
10 look at the second page. The first page isn't as
11 clearly directed to him, but the second one might be,
12 the second through -- the actual analysis goes from
13 Pages, I think, 3 through 13 on this document. Pages
14 numbered 3 through 13.

15 Q (By Ms. Brenneke) Have you seen those before, now
16 that you look at those?

17 A They really don't look familiar to me. I don't recall
18 them.

19 Q All right. So Ms. Turner as the director of UWEB
20 education and outreach had what responsibilities?

21 A Director of education outreach, it would be to fulfill
22 our mission to bring more students and more diverse
23 students into science and engineering.

24 Q And in order to do that, she had responsibility for
25 grant writing and program development; is that

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1 correct?

2 A I think one of the responsibilities was, yes, to bring
3 in some of the funds necessary to do this.

4 Q And she authored a number of grants that you reviewed
5 and submitted; is that correct?

6 A She authored some of the grants, yes, or at least her
7 staff did. Caren Tidwell, I know, authored a number
8 of the grants.

9 Q And Ms. Turner herself authored a number of grants;
10 isn't that correct?

11 A I think she authored some.

12 Q Okay.

13 A They were all planned. Fanaye would come into my
14 office and say, We have this opportunity.

15 We would scheme about how we might best spin
16 this. We would develop ideas, and the actual writing
17 was largely done through her office.

18 Q Okay.

19 (Exhibit-91 marked.)

20 Q (By Ms. Brenneke) Is Exhibit-91 a copy of portions of
21 UWEB's second-year report to the National Science
22 Foundation, including the education initiative
23 proposal?

24 A The format certainly looks like it. Now, let's see,
25 is the proposal in here?

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1 that this is a performance review where I suggested
2 that she was not performing up to specifications.

3 Q Did Ms. Turner follow up with you, asking you to
4 please finalize her evaluation in 2003 so that she
5 could get her funding increase, her salary increase
6 or --

7 A Finalized on June 19th, 2003.

8 Q Okay. What I'm asking you is, did she ever follow up
9 with you and ask you to please finalize it because she
10 hadn't received a copy?

11 A I don't remember that.

12 Q Did you ever tell her that you would have to wait
13 until her UCIRO complaint was resolved before
14 finalizing this?

15 A I certainly don't remember ever saying that, no.

16 Q So are you saying you didn't say it, or are you saying
17 you just don't recall?

18 A I don't recall.

19 Q Did Ms. Turner indicate to you during the May meeting
20 that part of the reason things were difficult, for
21 example, the report section being late, was that she
22 was without a staff person in her education outreach
23 program for some period of time?

24 A I'm trying to think if that was the time when I was
25 told she should not have any staff people, which I

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1 implemented. So that would explain that. But we were
2 always -- also told her that we would get the work
3 done if she would assign it. She just didn't have
4 managerial responsibilities for people then.

5 Q Okay. And you removed the staff -- her -- you removed
6 her responsibility for overseeing the education
7 outreach coordinator position; is that correct?

8 A What we did was -- specifics were I was told by the
9 dean that we should no longer allow her to be doing --
10 to directly supervise staff. The dean had had it
11 quite up to as far as she would accept this. It was
12 unacceptable to her, and she gave me a directive that
13 there could be no more problems coming from UWEB.
14 She was fed up.

15 Q Did she also indicate to you that you, Buddy Ratner,
16 needed to deal with her, things had to change?

17 A She may have said that, but largely the discussions
18 were involved around supervision and we had too many
19 incidents in a row where people Fanaye was directly
20 supervising had blown up into unfortunate incidences,
21 and the mechanism the dean told me about was the one
22 that I implemented.

23 Q So when was it that -- and this is Dean Denton, I take
24 it?

25 A Dean Denton, yes.

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1 Q When was it that Dean Denton directed you to remove
2 the supervisory authority that Ms. Turner had over the
3 education and outreach coordinator?

4 A The education outreach coordinator, are you saying
5 that correctly?

6 Q Program coordinator.

7 A Program coordinator. At the point where we had
8 sufficient number of staff complaints -- and I'm not
9 sure that the dean told me to directly do that, but
10 the dean told me that there could be no more problems,
11 and we might have discussed this as a mechanism to do
12 this. And so I implemented that.

13 Q Okay. So Dean Denton didn't tell you what to do, you
14 made the decision what to do; is that correct?

15 A I think Dean Denton probably said there would be no
16 more problems in that office.

17 Q So prior to this evaluation meeting, had you provided
18 Ms. Turner with any kind of notice that there were
19 problems with her staff and that she needed to deal
20 with things differently?

21 A We just had quite a few incidents in a row. I think
22 it was glaringly obvious there were problems in the
23 office, and I -- as I indicated in my document here,
24 said it, the lack of harmony and all was -- I mean,
25 this was glaringly apparent, given the magnitude of

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1 the blow-ups that were increasing in frequency and
2 intensity. And so I don't think it's necessary to
3 state the super obvious, that there is a problem in
4 the office. But the mechanism we chose to do this
5 was just put the management responsibility under
6 somebody else and let Fanaye feed the work through the
7 UWEB program administrator, which is something I can
8 do, because I have responsibility for the program.

9 Q Do you --

10 A We had to get the work done.

11 Q You assigned the program coordinator for the education
12 and outreach program to the program administrator; is
13 that correct?

14 A That's right.

15 Q And you also decided to assign the budget
16 responsibilities to that person, as well?

17 A That's right.

18 Q Although there were no budget problems involving Ms.
19 Turner's group?

20 A There were a number of budget problems before that --
21 I don't remember the exact chronology, but we had
22 quite a few budget problems.

23 Q What were the budget problems?

24 A Underspensing, underreporting, poor bookkeeping and a
25 variety of related problems like that.

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1 Q Prior to the May 2003 meeting you had with Ms. Turner
2 to go over her evaluation, had you ever raised any
3 concerns with Ms. Turner about budget problems?

4 A There were many concerns that were raised about budget
5 problems, yes. I don't remember, again, the exact
6 chronology, but --

7 Q Is there anything you can recall actually bringing to
8 her attention regarding the budget prior to May 23rd,
9 2003?

10 A I can remember sitting down in quite a few budget
11 meetings in our office with our budget
12 administrator -- in fact, I think one of the flare-ups
13 occurred right in my office over this -- and going
14 over some of the irregularities that were in the
15 budget.

16 Q What was the irregularity?

17 A The irregularities were the way a number of different
18 accounts were handled, the fact it was underspent and
19 not reported. There were a number of
20 responsibilities.

21 Q Who was in the office when you did that?

22 A Again, it was either Michelle Barnett or Diane
23 Carboni, one of those two.

24 Q Do you have any written records of that?

25 A I think there were written records, yeah. I don't

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1 Q Okay.

2 A But I don't remember when that -- date that was.

3 Q Isn't it true that Jeri Staley-Earnst opposed having
4 ongoing responsibilities for the supervision of Nina
5 Hanlon or the person in her position?

6 A Yes, that is true.

7 Q And isn't it true that Ms. Turner really wanted to
8 have a temporary hired immediately if she couldn't
9 supervise Nina directly?

10 A I think that was made pretty clear.

11 Q Okay. And she sent a series of e-mails regarding
12 wanting to hire someone; is that correct?

13 A That's right.

14 Q And yet because you removed the authority, she didn't
15 have the authority to post it, correct?

16 A That's right.

17 Q So Ms. Staley-Earnst had to do that; is that correct?

18 A I think that's right.

19 Q Okay. And eventually -- let's see. And Ms.
20 Staley-Earnst made some complaints to you with regard
21 to her interactions with Fanaye Turner regarding
22 hiring a new temp; is that correct?

23 A I think I recall an e-mail from Jeri Staley-Earnst,
24 yes.

25 (Exhibit-105 marked.)

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1 A I don't think it's hardly a complaint. It sounds like
2 an important warning.

3 Q And so how is it that, if you have read Fanaye's
4 e-mail about this, meeting attempts and the fact that
5 there is incomplete work on the REUs, is there
6 anything inappropriate in that e-mail?

7 MR. MADDEN: Before you answer,
8 Doctor, have you completed reviewing the document?

9 MS. BRENNEKE: He said he had read
10 it, yeah.

11 Q (By Ms. Brenneke) Do you see anything wrong with what
12 Fanaye had written?

13 A I know reading through this, my feel is that something
14 is missing here, because Jeri's warning seems overly
15 enthusiastic. It hardly seems inflammatory and
16 libelous. Fanaye was suggesting that Nina was having
17 some problems with it. It doesn't seem inflammatory
18 or libelous to me.

19 Q Were you involved in any way in the hiring of Tom
20 Grames as the assistant?

21 A No.

22 Q And did you understand that Ms. -- based upon your
23 direction, was Ms. Turner to assign him work through
24 Ms. Jeri Staley-Earnst?

25 A That's right.

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1 Q Over time did she end up assigning it directly?

2 A I think the system eroded and Tom Grames wound up
3 working more closely to Fanaye.

4 Q How would you characterize their working relationship?

5 A It seemed good.

6 Q Did you ever have any complaints regarding Fanaye from
7 Tom Grames?

8 A I can't recall any, no.

9 Q And did you ever have any complaints regarding
10 Tom Grames from anyone else?

11 A Yes.

12 Q From whom?

13 A From Jeri.

14 Q And what did Jeri complain about with regard to Tom
15 Grames?

16 A She had some very explicit complaints, and that was at
17 the point where we had to make a decision as to
18 whether to extend him or not, and I think Jeri wrote a
19 very balanced e-mail, where she pointed out his
20 strengths but also pointed out his weaknesses.

21 Q I'm not sure that I've seen that e-mail. We have
22 looked for that.

23 What were the strengths that you can recall?

24 A I think generally good job performance were the
25 strengths.

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1 Q And what were his weaknesses?

2 A Weaknesses were a -- consistent problems with getting
3 along well with others, let's put it that way.

4 Q With whom?

5 A With other members of the staff.

6 Q Do you know of any that he had any problems with?

7 A There was somebody working, a young lady working the
8 front desk in the office. She had a problem -- I
9 don't remember her name, but we had a number of people
10 that -- sort of a temp job that went through that
11 front desk. There was an issue there. There was an
12 issue with my personal assistant, who at the time was
13 *Jean Sprague. And I think there was an issue with
14 some of the people in the communications group.

15 So there were a number of issues there that led
16 to staff frictions.

17 Q Was Mr. Grames ever counseled on those?

18 A Jeri wrote that she thought very hard about counseling
19 this individual and realized how difficult this would
20 be. He was hired as a temp, and our situation was we
21 have no responsibility for temps. We can hire them
22 and let them go as needed. So unless we made a
23 decision to keep Tom Grames on, it would not have been
24 efficient to attempt to counsel on these rather
25 difficult issues.

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1 MS. BRENNEKE: 106.

2 (Off-the-record discussion.)

3 (Exhibit-106 marked.)

4 MS. BRENNEKE: Sorry, Mike.

5 Q (By Ms. Brenneke) Have you seen Exhibit-106 before?

6 MR. MADDEN: "Sorry" means you don't
7 have a copy for me?

8 MS. BRENNEKE: I don't. I'm looking
9 for it, and I somehow disconnected or I don't have it.
10 But I'll make one for you, if you don't mind looking
11 on.

12 MR. MADDEN: Well, since it's a
13 video deposition I can't very well look over his
14 shoulder.

15 MS. BRENNEKE: That's a good point.
16 Hang on a second. You can take a look at mine.
17 Q (By Ms. Brenneke) Do you recall Ms. Turner requesting
18 that Mr. Grames' appointment be continued?

19 A Yes, yes.

20 MS. BRENNEKE: That can be yours. I
21 just found it.

22 Q (By Ms. Brenneke) And as of October 2nd, Ms.
23 Staley-Earnst indicated (Reading): I have already
24 extended Tom's time for two weeks and asked for a
25 review of replacement candidates to occur

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1 concurrently.

2 Do you see that?

3 A Yes.

4 Q So she wanted to replace him as of October 2nd; is
5 that correct?

6 A That's right.

7 MS. BRENNEKE: Exhibit-107.

8 (Exhibit-107 marked.)

9 Q (By Ms. Brenneke) Did Mr. Grames meet with you and
10 ask you to have the program coordinator position
11 posted so he would no longer be a temp?

12 A I believe he did meet with me.

13 Q Okay. And was this a follow-up e-mail he sent to you
14 with regard to that conversation?

15 Yes?

16 A I'm reading it. Yes.

17 Q And so as of October 3rd, 2003, you -- did you agree
18 with him that you had heard nothing but positive
19 feedback about his work and you would be happy to have
20 him as a permanent employee in that position?

21 A I wrote that memo -- or, excuse me.

22 Q He wrote the memo.

23 A He wrote the memo, but there was probably a reasonably
24 accurate -- so I had written after that another memo
25 to Jeri, and Jeri gave me her study remarks or study

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1 conclusion on this, and I followed her advice.

2 Q And isn't it true that Ms. Fanaye Turner had also
3 asked for his position to be posted?

4 A Yes, that's right.

5 MS. BRENNEKE: Exhibit-108.

6 (Exhibit-108 marked.)

7 Q (By Ms. Brenneke) Okay. Exhibit-108, is that another
8 request from Mr. Grames seeking the position to be
9 posted?

10 A Yes.

11 Q Okay. And when Ms. Turner indicated that she thought
12 it should be posted, did she indicate to you that it
13 was contrary to the policy of the University of
14 Washington as well as state law to keep him in as a
15 temporary?

16 A She might have indicated that, so we terminated him.

17 Q After she raised the policy concern, you terminated
18 him?

19 A We knew -- we had many internal discussions about the
20 number of hours maxing out. Personnel people keep
21 track of that.

22 Q And what -- why wouldn't your response have been to
23 simply post the position and allow him to fill it?

24 A Because I got advice from Jeri Staley-Earnst that made
25 very good sense to me, and I followed her advice.

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1 (Off-the-record discussion.)

2 (Exhibit-109 marked.)

3 Q (By Ms. Brenneke) Was this the -- did you receive
4 this correspondence from Ms. Turner indicating that
5 this is a permanent position that should not be filled
6 by a temp and her concern that Tom Grames was going to
7 leave and she really needed him to do the work at
8 UCIRO?

9 A There were many different --

10 Q I mean do the work at UWEB?

11 A -- e-mails going back and forth at that time.

12 Q And he was terminated after that?

13 A He was terminated, I think, within the legal limit in
14 the University. So there was no, to my knowledge,
15 violation of University personnel rules.

16 Q Because he hadn't yet worked the full maximum time; is
17 that correct?

18 A I presume that was the reason, yes.

19 Q Okay. So did you involve Ms. Turner in the decision
20 to terminate Tom Grames?

21 A No, I did not.

22 Q Why not?

23 A Because she was not doing personnel, handling
24 personnel at that time.

25 Q But she had an excellent working relationship with

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1 Tom Grames, correct?

2 A It was very nice, yes.

3 Q And he was doing a good job for this -- for the
4 department, correct?

5 A He was doing a good job, but we decided he was not the
6 sort of employee we wanted in the long term.

7 Q That was Ms. Staley-Earnst who decided that?

8 A Ms. Staley-Earnst and myself. I made the decision.

9 Q Can you -- can you give me a general summary of what
10 it was that had occurred with these staff members.
11 You had mentioned a flare-up or hot temper or
12 something to Ms. Turner --

13 A Yes.

14 Q -- but we don't know what that --

15 A He made a number of comments to a number of people
16 that suggested that he was having trouble dealing with
17 the workplace, and we didn't think somebody at this
18 time that was having difficulties with our workplace
19 should really be part of it at that point.

20 Q Okay. And can you give me any more detail?

21 A In fact, he even recommended himself that he go; I
22 wouldn't take a job here, something to that effect.

23 Q And none of those issues had to do with Ms. Turner,
24 correct?

25 A None had to do with Ms. Turner, totally none.

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1 Q And somewhere it's documented in an e-mail what the
2 issues were; is that correct?

3 A That's right.

4 MS. BRENNEKE: Okay. I'd ask that
5 be produced to me. Maybe you can help us identify it.
6 We haven't been able to find that.

7 Q (By Ms. Brenneke) After Ms. Turner's assistant Tom
8 Grames was terminated, there was some concern about
9 getting that position refilled again; isn't that
10 right?

11 A I don't recall exactly what happened upon that
12 termination.

13 Q Did Ms. Turner -- did Ms. Turner provide you with some
14 requests that someone be hired to take the place of
15 Mr. Grames?

16 A I believe she consistently said we need somebody to
17 fill that role, yes.

18 Q And did she eventually find someone?

19 A I don't recall at the moment. I have to be reminded.
20 I'm sure it's quite well available. I just don't
21 recall.

22 Q I think I'm going to skip to something else instead.

23 After Ms. Turner filed her UCIRO complaint, did
24 you take any other actions with regard to her roles
25 and responsibilities that diminished her work as the